

2/HB
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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
SEP 18 2008
at 11 o'clock and 00 min. M.
SUE BEITIA, CLERK

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

JOHN CHRIS KOMPERDA)
)
Plaintiff,)
)
vs.)
)
HILTON HOTELS CORPORATION)
and HILTON HAWAIIAN)
VILLAGE LLC)
Defendants.)

CIVIL NO.

COMPLAINT; DEMAND FOR
JURY TRIAL; SUMMONS

CV 08 00422 HG LEK

COMPLAINT

Plaintiff JOHN CHRIS KOMPERDA, through his undersigned counsel, avers and alleges as follows:

JURISDICTION AND VENUE

1. This court has original jurisdiction pursuant to 28 U.S.C. § 1331 through the federal question raised herein, namely the alleged violation of the Americans With Disabilities Act of 1990 (hereinafter "ADA"), 42 U.S.C. §§ 12101 et seq., and has pendant jurisdiction over the parallel state law claims cited herein.

2. All events material hereto occurred within the District of Hawaii.

3. The plaintiff is a person with a disability who as a past and future patron of the defendants has been, is and is about to be subjected to unlawful discrimination. The plaintiff patronized the defendants in August 2006, wanted to do so in March 2008, and certainly intends to do so in the future.

4. Defendant HILTON HOTELS CORPORATION is a foreign profit corporation incorporated in Delaware, and Defendant HILTON HAWAIIAN VILLAGE LLC is an active domestic limited liability company in Hawaii.

5. The defendants are public accommodations involved in different ways with operation of a place of public accommodation, namely a hotel/resort located at 2005 Kalia Street in Honolulu that falls under the ambit of the ADA, 42 U.S.C. §§ 12181 et seq., Hawaii Revised Statute § 347-13 and H.R.S. Chapter 489. The defendants are amenable to suit by an aggrieved person with disability such as the plaintiff for violation of the ADA and/or Hawaii Revised Statute § 347-13 and/or H.R.S. Chapter 489.

6. The defendants have violated the ADA, Hawaii Revised Statute §347-13 and H.R.S. Chapter 489 by denying the plaintiff equal accommodations on the basis of his disability by not permitting him to use a assistive mobility device certified as needed by a licensed physician and have not complied with the ADA, Hawaii Revised Statute §347-13 and H.R.S. Chapter 489, by having failed to make reasonable modifications in their policies, practices, or procedures, when such modifications were necessary to equally afford their goods, services, facilities, privileges, advantages, or accommodations to him in a non-discriminatory fashion.

7. The plaintiff lodged a charge with the Hawaii Civil Rights Commission and has received his right-to-sue notice. Thus he has exhausted his administrative remedies.

THEREFORE, THE PLAINTIFF RESPECTFULLY REQUESTS THE COURT enter judgment for the plaintiff and against the defendant and order the following relief:

A) A permanent injunction ordering the defendants' full compliance with the ADA, Hawaii Revised Statute §347-13 and H.R.S. Chapter 489 within ninety (90) days and continued compliance in the future;

B) Exemplary damages in the amount of three times his out-of-pocket expenses as provided for in Hawaii Revised Statute § 347-13.5 and general damages in an amount determined necessary to make him whole as provided for in H.R.S. Chapter 489;

C) Payment of plaintiff's litigation costs, including reasonable expert and attorney's fees as provided for in all three statutes; and

D) Such other relief as the court deems proper.

DATED: Honolulu, Hawaii, 9/15/08.



LUNSFORD DOLE PHILLIPS
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff demands for trial by jury of all issues so triable.

DATED: Honolulu, Hawaii, 9/15/08.



LUNSFORD DOLE PHILLIPS
Attorney for Plaintiff